



ATTORNEY DOCKET NO. 09019.0058
APPLICATION SERIAL NO. 09/280,791

REMARKS

With respect to the Election Under Restriction Requirement, Applicants' provisionally elect group I, claims 1-34, with traverse.

Claims 1-34 remain pending in this application.

The preamble to claims 1 and 34 have been amended to clarify that the poly(vinyl alcohol) fabrics produced by the methods of the present invention are spun-laced fabrics. Support for these amendments can be found on page 1, lines 23-24. Claims 1 and 34 have been amended to recite that said poly(vinyl alcohol) has a degree of polymerization of from about 300 to about 5000. Support for these amendments can be found on page 4, lines 15-16. No new matter has been added by any of these amendments.

I. Claim Rejections Under 35 U.S.C. § 102(b)

The Office Action has rejected claims 1-2, 11-14, 16, 20, 29-31 and 34 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,207,837 (the "Honeycutt" patent). Applicants respectfully disagree with this rejection.

It is well established that in order for the prior art of record to be a novelty defeating reference under 35 U.S.C. § 102(b), the prior art reference must disclose each and every feature of the claimed invention. Here, such a standard has not been met.

Claims 1 and 34, and those claims depending therefrom, recite a spun laced fabric comprising poly(vinyl alcohol) having a degree of polymerization of from about 300 to about 5000. In contrast, Honeycutt does not specifically disclose a spun laced fabric comprised of polyvinyl alcohol having a degree of polymerization from about 300 to about 5000. Therefore,



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Honeycutt does not specifically disclose each and every feature of the claimed invention and, as such, claims 1-2, 11-14, 16, 20, 29-31 and 34 are not anticipated by Honeycutt.

II. Claim Rejections Under 35 U.S.C. § 102(e)

The Office Action has further rejected claims 1-2, 4-7, 9-12, 14, 16-17, 29-31, and 34 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,882,780 (the "Yamamura" patent). Applicants respectfully disagree with this rejection as well.

As discussed above, claims 1 and 34, and those claims depending therefrom, recite a spun laced fabric comprising poly(vinyl alcohol). In contrast, Yamamura fails to disclose a polyvinyl alcohol fabric and, to the contrary, teaches away from a fabric comprised of polyvinyl alcohol. Specifically, Yamamura teaches elastic polyester fibers and stretchable fiber articles containing said elastic polyester fibers (col. 1, lines 8-10). Significantly, Yamamura only discloses a polyvinyl alcohol for use as an optional hot water-soluble binder staple fiber that may be blended in order to enhance the handling property of a web. Furthermore, Yamamura also discloses that after the non-woven fabric is completely produced, the optional polyvinyl alcohol binder fibers are removed. **Thus, the resulting non-woven fabric is free from the polyvinyl alcohol binder fibers** (col. 9, lines 33-46).

Therefore, because the non-woven fabric of Yamamura's teaching does not contain any poly(vinyl alcohol) fibers, claims 1-2, 4-7, 9-12, 14, 16-17, 29-31, and 34 are not anticipated by the disclosure of Yamamura.

III. Claim Rejections Under 35 U.S.C. § 103(a)

a. Rejection of Claims 5, 15, 18 and 19 in view of Honeycutt and Yamamura



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The Office Action has also rejected claims 5, 15, 18 and 19 under 35 U.S.C. § 103(a) as allegedly being obvious in view of Honeycutt and Yamamura. Applicants respectfully disagree with this rejection.

It is well settled that in order to establish a *prima facie* case of obviousness, the art of record must teach, or at least suggest, the claimed invention as a whole. Moreover, there must be adequate motivation and a reasonable expectation of success to undertake the modifications proposed in the rejection. Here, neither standard has been met.

First, claims 5, 15, 18 and 19 depend from claim 1 and, as such, they all recite a spun laced fabric comprising poly(vinyl alcohol) having a degree of polymerization of from about 300 to about 5000. Second, as discussed above, Honeycutt does not specifically disclose a spun laced fabric comprised of polyvinyl alcohol having a degree of polymerization from about 300 to about 5000. As such, Honeycutt would not have motivated one of ordinary skill in the art to produce a spun-laced fabric, much less a spun laced fabric comprised of polyvinyl alcohol having a degree of polymerization from about 300 to about 5000.

Likewise, Yamamura similarly fails to teach or suggest a spun laced polyvinyl alcohol fabric and, to the contrary, actually teaches away from a fabric comprising a polyvinyl alcohol. Specifically, Yamamura discloses elastic polyester fibers and stretchable fiber articles containing said elastic polyester fibers (col. 1, lines 8-10). Yamamura's only mention of polyvinyl alcohol is for use as an optional hot water-soluble binder staple fiber that may be blended in order to enhance the handling property of a web. Even more importantly, after the non-woven fabric of Yamamura is completely produced, the optional polyvinyl alcohol binder fibers are removed, thus resulting in a non-woven fabric **that is free from the polyvinyl alcohol binder fibers** (col. 9, lines 33-46). As such, one of ordinary skill in the art, in view of Yamamura, would similarly not be motivated to produce a spun-laced fabric comprising a polyvinyl alcohol, much less a

fabric comprised of polyvinyl alcohol having a degree of polymerization from about 300 to about 5000.

Therefore, even assuming arguendo that one of ordinary skill in the art would seek to combine the divergent disclosures in the manner hypothesized in the Office Action, one would nonetheless fail to arrive at the fabrics of claims 5, 15, 18 and 19. Accordingly, Applicants respectfully request that this rejection be withdrawn.

b. Rejection of claims 3, 8, and 21-33 in light of Honeycutt and Yamamura in view of U.S. Patent No. 5,990,377 (the “Chen” patent)

The Office Action has further rejected claims 3, 8 and 21-33 under 35 U.S.C. § 103(a) as allegedly being obvious in light of both Honeycutt and Yamamura in view U.S. Patent No. 5,990,377 (the “Chen” patent). Applicants respectfully disagree with this rejection.

Claims 3, 8 and 21-33 recite a spun laced polyvinyl alcohol fabric comprising a poly(vinyl alcohol) having a degree of polymerization of from about 300 to about 5000. As discussed above, neither Honeycutt nor Yamamura, alone or in combination, teach or suggest a spun laced fabric comprising a polyvinyl alcohol. Likewise, the Office Action’s reliance on the disclosure of the Chen patent is similarly misplaced.

The disclosure of Chen, like that of Yamamura, fails to teach or suggest a poly(vinyl alcohol) fabric. Specifically, Chen discloses a dual zoned, three-dimensional, resilient absorbent web comprising a hydrophilic basesheet onto which hydrophobic matter is deposited. The **only** mention or suggestion of a poly(vinyl alcohol) in Chen is for use as a **binder** when applying suitable hydrophobic fibers to the hydrophilic basesheet (col. 38, lines 1-9). As such, Chen neither discloses or suggests the manufacture of a poly(vinyl alcohol) **fabric**. Once again,

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assuming arguendo that one of ordinary skill in the art would seek to combine the disclosures of Honeycutt, Yamamura and Chen, one would still fail to arrive at the claimed invention.

Therefore, the hypothetical combinations of Honeycutt in view of Chen or, alternatively, Yamamura in view of Chen, are improper and do not render claim 3, 8 and 21-33 obvious under 35 U.S.C. §103. Accordingly, Applicants request that this rejection be withdrawn.

CONCLUSION

Attached hereto is a marked-up version of the changes made to claims 1 and 34 by the current amendment. The attached page is captioned "Version with markings to show changes made."

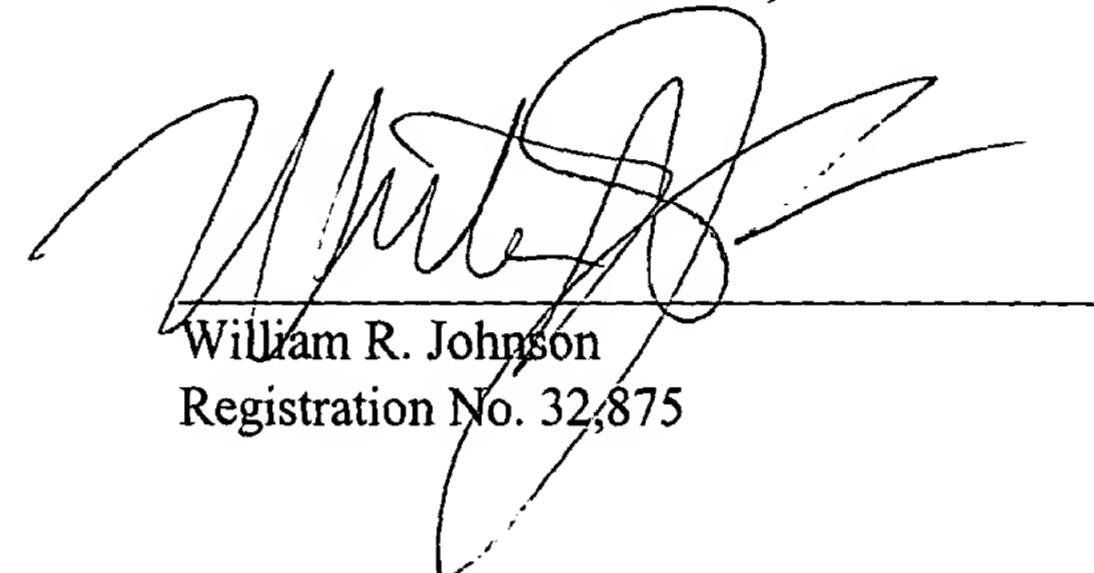
A check in the amount of \$390.00 (Check no.47411) is attached for the two-month extension of time. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

In light of the foregoing, further and favorable action in the form of a Notice of Allowance is next in order and such action is earnestly solicited.

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As a final matter, should the Examiner have any questions regarding the amendment or the application in general, he is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,
NEEDLE & ROSENBERG, P.C.

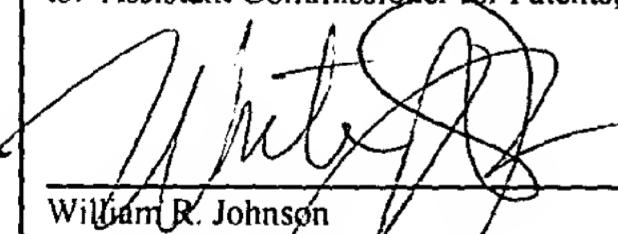


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.



William R. Johnson

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Date



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 1 and 34 have been amended as follows:

1. (Amended) A spun-laced poly(vinyl alcohol) fabric produced by a method comprising the consecutive steps of:

- a. supporting a plurality of poly(vinyl alcohol) fibers on a mesh screen to form a web;
- b. pressure liquid entangling the web; and
- c. drying the web,

wherein said poly(vinyl alcohol) has a degree of polymerization of from about 300 to about 5000.

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34.(Amended) A spun-laced fabric comprising a poly(vinyl alcohol) fibrous web, wherein:

- a. the fabric is non-woven;
- b. binding adhesives are substantially absent from the fabric;
- c. heat fusion is substantially absent from the fabric;
- d. needlepunching is substantially absent from the fabric; [and]
- e. stitchbonding is substantially absent from the fabric; and
- f. the said poly(vinyl alcohol) has a degree of polymerization of from about 300 to about 5000.